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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 09 - 01195 JF
Plaintiff,) STIPULATION AND
v.) [PROPOSED] ORDER
RODNEY HATFIELD, et al.,)
Defendants.)

WHEREAS, the government has produced in excess of 30,000 pages of discovery to counsel for the defendants, and where the discovery includes financial records, trading records, and emails, such that the matter is considered complex under 18 U.S.C. § 3161(h)(8)(B)(ii);

WHEREAS, counsel for the defendants need sufficient time to review the discovery, in order to effectively prepare for the defense of this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for defendant Rodney Hatfield is currently preparing for and will shortly be representing another client in a criminal felony trial in California Superior Court, such that the need for a continuance based on continuity of defense counsel also exists, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate given the and the need for effective preparation of counsel and where the next available date where all counsel are available is February 17, 2011, such that there is a need for a continuance to such date based on continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

THEREFORE, the parties mutually and jointly stipulate that the matter should be continued, based on the complexity of this case, the need for effective preparation of counsel, and the need for continuity of counsel, and the parties jointly request that the Court continue the matter until **Thursday, February 17, 2011, at 9:00 a.m.**

The parties agree that continuing the case until February 17, 2011, is necessary, given the complexity of the case, the need for defense counsel to review and analyze a large amount of discovery, and the need to maintain continuity of counsel. The parties also agree that failing to grant a continuance would deny counsel for the defense the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

The parties also agree, and the Court has found previously, that the case involves government allegations of a complicated fraud scheme with substantial evidence, both paper and electronic, and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established” by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(A).

Finally, the parties agree that the ends of justice served by excluding time from January 6, 2011, until February 17, 2011, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(A).

STIPULATED:

DATED: January 4, 2010

/s/
GEOFFREY A. BRAUN
Attorney for RODNEY HATFIELD

1 DATED: January 4, 2010

/s/
VARELL L. FULLER
Assistant Federal Public Defender
Attorney for LLOYD MYERS

5 DATED: January 4, 2010

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

9 **ORDER**

10 For good cause shown, the Court continues the matter until Thursday, February 17, July 28
11 2011, at 9:00 a.m.

June 16

12 The Court enters this order excluding time from ~~January 6~~, 2011, up to and including
July 28
13 February 17, 2011. Specifically, the parties agree, and the Court finds and holds that such that
July 28
14 time should be excluded until ~~February 17~~, 2011, and furthermore that failing to grant a
July 28
15 continuance until ~~February 17~~, 2010, would unreasonably deny the defendant continuity of
16 counsel, and also would deny defense counsel the reasonable time necessary for effective
17 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
18 3161(h)(8)(B)(iv).

19 The parties also agree, and the Court finds and holds, that the case involves government
20 allegations of a complicated fraud scheme with substantial evidence, both paper and electronic,
21 and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or
22 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
23 preparation for pretrial proceedings or for the trial itself within the time limits established” by the
24 Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

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Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
June 16 July 28
excluding time from January 6, 2011, through February 17, 2011, outweigh the best interest of
the public and the defendant in a speedy trial. *Id.* § 3161(h)(A).

IT IS SO ORDERED.

DATED: 6/16/11


HON. JEREMY FOGEL
United States District Judge